

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

STEPHANIE LEIGH WHITAKER, *et al.*, :
Plaintiffs, : Case No. 1:18-cv-00540-WOB
vs. : Judge William O. Bertelsman
JUDGE JOSEPH W. KIRBY, :
Defendant. :

**NOTICE OF DEFENDANT JUDGE KIRBY IN RESPONSE
TO COURT ORDER ON OCTOBER 2, 2018**

There was no appellate brief filed in the State Court appeal of this matter.

As can be seen in plaintiff/appellant's Certificate of Service, the appellant did not serve that brief on any opposing party.

Further, Judge Kirby exercises his judicial discretion in these matters based on what he believes is the best interests of the child. He therefore does not consider himself to be an "opposing party" and does not intend to file a State Court brief.

Respectfully submitted,

/s/ J. Stephen Teetor

J. Stephen Teetor, Lead Counsel (0023355)

Aaron M. Glasgow (0075466)

ISAAC WILES BURKHOLDER & TEETOR, LLC

Two Miranova Place, Suite 700

Columbus, Ohio 43215

(614) 221-2121

Fax (614) 365-9516

email: jteetor@isaacwiles.com

aglasgow@isaacwiles.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2018, a copy of the foregoing was filed electronically.

Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

Parties may access this filing through the Court's system.

/s/ J. Stephen Teetor

J. Stephen Teetor